

Page 1	Page 3
<p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE DISTRICT OF SOUTH CAROLINA</p> <p>3 COLUMBIA DIVISION</p> <p>4 Afraaz R. Irani, M.D.,)</p> <p>5 Plaintiff,) C/A No. 3:14-cv-03577-CMC-KDW</p> <p>6 vs.)</p> <p>7 Palmetto Health;)</p> <p>8 University of South)</p> <p>9 Carolina School of)</p> <p>10 Medicine; David E. Koon,)</p> <p>11 Jr., M.D., in his)</p> <p>12 individual capacity; and)</p> <p>13 John J. Walsh, IV, M.D.,)</p> <p>14 in his individual)</p> <p>15 capacity,)</p> <p>16 Defendants.)</p> <p>17</p> <p>18 DEPOSITION OF</p> <p>19 HARRISON BOYD GOODNO, M.D.</p> <p>20 *****</p> <p>21 Thursday, July 2, 2015</p> <p>22 8:58 a.m. - 11:59 a.m.</p> <p>23</p> <p>24 The deposition of HARRISON BOYD GOODNO, M.D.,</p> <p>25 taken on behalf of the Plaintiff at the law offices of</p> <p>Ogletree, Deakins, Nash, Smoak & Stewart, P.C., 1320 Main</p> <p>Street, Suite 600, Columbia, South Carolina, on the 2nd day</p> <p>of July, 2015, before Lyn A. Hudson, Court Reporter and</p> <p>Notary Public in and for the State of South Carolina,</p> <p>pursuant to Notice of Deposition and/or agreement of</p> <p>counsel.</p>	<p>1 CONTENTS:</p> <p>2 (Deposition of Harrison Boyd Goodno, M.D.)</p> <p>3 PAGE</p> <p>4 Exhibit Index 3</p> <p>5 Stipulations 4</p> <p>6 Examination by Mr. Rothstein 5</p> <p>7 Certification of Reporter 115</p> <p>8 Errata Sheet 116</p> <p>9</p> <p>10</p> <p>11 EXHIBIT INDEX</p> <p>12 EXHIBITS: IDENTIFIED AT PAGE:</p> <p>13 Plaintiff's Exhibit Number 1 8</p> <p>14 Plaintiff's Exhibit Number 2 22</p> <p>15 Plaintiff's Exhibit Number 3 79</p> <p>16 Plaintiff's Exhibit Number 4 81</p> <p>17 Plaintiff's Exhibit Number 5 100</p> <p>18 Plaintiff's Exhibit Number 6 108</p> <p>19 Plaintiff's Exhibit Number 7 111</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
Page 2	Page 4
<p>1 APPEARANCES:</p> <p>2 Representing the Plaintiff:</p> <p>3 David E. Rothstein, Esquire</p> <p>4 Rothstein Law Firm, P.A.</p> <p>5 1312 Augusta Street</p> <p>6 Greenville, South Carolina 29601</p> <p>7 (8-64) 232-5870</p> <p>8 drothstein@rothsteinlawfirm.com</p> <p>9</p> <p>10 Representing the Defendants Koon, Walsh and</p> <p>11 USC School of Medicine:</p> <p>12</p> <p>13 Kathryn Thomas, Esquire</p> <p>14 Gignilliat, Savitz & Bettis, LLP</p> <p>15 900 Elmwood Avenue</p> <p>16 Suite 100</p> <p>17 Columbia, South Carolina 29201</p> <p>18 (803) 799-9311</p> <p>19 kthomas@gsblaw.net</p> <p>20</p> <p>21 Representing the Defendant Palmetto Health:</p> <p>22 Katherine Dudley Helms, Esquire</p> <p>23 Ogletree, Deakins, Nash, Smoak & Stewart, P.C.</p> <p>24 1320 Main Street</p> <p>25 Suite 600</p> <p>Columbia, South Carolina 29201</p> <p>(803) 252-1300</p> <p>katherine.helms@ogletreedeakins.com</p> <p></p> <p>Elizabeth Bradley, Esquire</p> <p>Associate General Counsel</p> <p>Palmetto Health</p> <p>1600 Marion Street</p> <p>Second Floor</p> <p>Columbia, South Carolina 29201</p>	<p>1 S T I P U L A T I O N</p> <p>2 It is hereby stipulated and agreed by and between</p> <p>3 the parties hereto, through their respective attorneys</p> <p>4 of record, that this deposition is taken in accordance</p> <p>5 with the Federal Rules of Civil Procedure;</p> <p>6 That the formality of READING AND SIGNING is</p> <p>7 specifically NOT WAIVED;</p> <p>8 That all objections, except as to the form of the</p> <p>9 questions and the responsiveness of the answers, are</p> <p>10 reserved until such time as this deposition, or any</p> <p>11 part thereof, may be used or is sought to be used in</p> <p>12 evidence.</p> <p>13 - - -</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

Page 45	Page 47
<p>1 A: No.</p> <p>2 Q: Did you ever hear Dr. Koon refer to Dr. Irani as</p> <p>3 terrorist of any sort?</p> <p>4 A: No.</p> <p>5 Q: Or Al-Qaeda?</p> <p>6 A: No.</p> <p>7 Q: Do you recall Dr. Irani mentioning that remark that he,</p> <p>8 that Dr. Koon had called him Achmed the Terrorist?</p> <p>9 A: No.</p> <p>10 Q: Do you believe that it would have been inappropriate</p> <p>11 for Dr. Koon to make the remark that Dr. Irani looked</p> <p>12 like Achmed the Terrorist?</p> <p>13 MS. THOMAS: Object to the form.</p> <p>14 A: I don't see how that's relevant because I don't</p> <p>15 remember anyone saying that.</p> <p>16 BY MR. ROTHSTEIN:</p> <p>17 Q: I know you don't remember.</p> <p>18 A: I refuse to answer that question.</p> <p>19 Q: Okay.</p> <p>20 A: That's not appropriate.</p> <p>21 Q: Do you believe that it would be appropriate for anyone</p> <p>22 to call Dr. Irani Achmed the Terrorist?</p> <p>23 MS. THOMAS: Object to the form.</p> <p>24 A: Again, I'm not going to answer that question because I</p> <p>25 don't agree with it. And I don't understand how that's</p>	<p>1 Q: Can you recall any other discussion with Dr. Irani</p> <p>2 about either what he felt was being unfair treatment or</p> <p>3 being singled out in some way in the program?</p> <p>4 A: I do remember he had a, as we all did had a very busy</p> <p>5 call night one night and, with Dr. Abell who was one of</p> <p>6 the, Locum's (sic) ortho trauma guys. And he had</p> <p>7 actually transcribed the conversation and was showing</p> <p>8 me the conversation that he had with Dr. Abell, I</p> <p>9 guess, over the phone. And he had typed it out on a</p> <p>10 piece of paper and was showing it to me. And I was,</p> <p>11 that stands out in my mind because that was something</p> <p>12 that was different, I guess. But I know at that point</p> <p>13 he was concerned about, about his status, I guess. So</p> <p>14 he was, he had recorded that conversation I guess to</p> <p>15 have evidence of what had taken place. And what the</p> <p>16 substance of that is I don't recall. But I do, that</p> <p>17 does stand out in my mind.</p> <p>18 Q: Did you ever have any difficulties with Dr. Abell?</p> <p>19 A: Nothing out of the ordinary. He had high expectations.</p> <p>20 But lots of attendings do. Not just in orthopedics.</p> <p>21 So --</p> <p>22 Q: Do you ever recall Dr. Abell refusing to come in on a</p> <p>23 call?</p> <p>24 A: Refusing to come? Can you rephrase that?</p> <p>25 Q: Yeah. Do you ever recall any instances where Dr. Abell</p>
Page 46	Page 48
<p>1 relevant. I don't remember anyone saying that and I'm</p> <p>2 going to leave it at that.</p> <p>3 BY MR. ROTHSTEIN:</p> <p>4 Q: Okay. Did you ever observe any unfair treatment toward</p> <p>5 Dr. Irani during his residency at USC?</p> <p>6 A: Specifically towards him I can't say. It was a tough</p> <p>7 program for everyone.</p> <p>8 Q: Did you ever have any discussions with Dr. Irani about</p> <p>9 him being unfairly singled out or treated differently</p> <p>10 from other residents in the program?</p> <p>11 A: I do recall, yes, him being concerned about that.</p> <p>12 Q: Did, tell me what you can recall about that discussion</p> <p>13 or those discussions.</p> <p>14 A: I think any time anyone is having difficulty at their</p> <p>15 job or in their residency, there's going to be a lot of</p> <p>16 discussion about that. I can't remember one specific</p> <p>17 instance. Well, I do remember one time at the VA early</p> <p>18 on, I happened to be at the VA at the same time. And</p> <p>19 he had pulled me aside in clinic and said that he had</p> <p>20 gotten an unfavorable evaluation from a general</p> <p>21 surgeon. And he was concerned about that.</p> <p>22 Q: That would have been during your PGY 1 year?</p> <p>23 A: It must have been because it was -- yeah. It was about</p> <p>24 a general surgeon. So that would have been during</p> <p>25 intern year.</p>	<p>1 refused to come in to the hospital while he was on call</p> <p>2 and someone needed his assistance or guidance?</p> <p>3 MS. HELMS: Object to the form of the question.</p> <p>4 A: I don't remember him specifically refusing to come in</p> <p>5 for me. But it would be unusual for, in any residency</p> <p>6 for the, other than in the ICU it would be unusual for</p> <p>7 any residency program and this is just my limited</p> <p>8 experience at the facility, but it would be unusual for</p> <p>9 any attending to come running in for a resident. You</p> <p>10 were the resident on call. So, but I don't recall him</p> <p>11 specifically refusing to come in.</p> <p>12 BY MR. ROTHSTEIN:</p> <p>13 Q: And I know you said with regard to you. Do you recall</p> <p>14 Dr. Irani ever discussing with you that he had</p> <p>15 difficulty getting Dr. Abell to come in to assist with</p> <p>16 a call?</p> <p>17 A: I don't remember that specifically. I know they had a</p> <p>18 difficult relationship.</p> <p>19 Q: Do you recall any instances where Dr. Irani believed</p> <p>20 that Dr. Abell had either changed or denied what he had</p> <p>21 told Dr. Irani with regard to a certain patient?</p> <p>22 A: Can you restate that?</p> <p>23 Q: Yeah. That was a terrible question. Do you recall any</p> <p>24 incidents where Dr. Irani discussed with you problems</p> <p>25 he had with Dr. Abell either changing his story after</p>

<p style="text-align: right;">Page 49</p> <p>1 the fact or denying that he had told Dr. Irani to do 2 something?</p> <p>3 A: I can't remember a specific instance. I just remember 4 they had a very difficult relationship. I had, I 5 hadn't seen that before. But I wasn't a very seasoned 6 resident at the time either. But they had a very 7 difficult relationship. And it got to the point where 8 they wouldn't take call with each other which was very 9 unusual I felt. And so did other residents.</p> <p>10 Q: Okay. So the difficulties with Dr. Abell were not 11 limited to Dr. Irani; is that fair?</p> <p>12 MS. HELMS: Objection to the form of the question.</p> <p>13 A: I couldn't say that. I don't agree or disagree with 14 that statement. I don't know.</p> <p>15 BY MR. ROTHSTEIN:</p> <p>16 Q: Now you mentioned the surgery resident, the surgery, 17 general surgery attending and the incident with 18 Dr. Abell. Any attendings on the faculty of the USC 19 Orthopedics Department, were any of those the subjects 20 of conversations you had with Dr. Irani about being 21 treated unfairly or singled out?</p> <p>22 A: I know Afraaz was concerned about his, how he was being 23 treated. I don't remember a specific conversation. 24 This was what, three or four years ago now. But I do 25 remember him being concerned.</p>	<p style="text-align: right;">Page 51</p> <p>1 I remember that being a joke. I remember it being a 2 funny thing that happened during residency.</p> <p>3 MS. THOMAS: I'm sorry, Dr. Goodno. I didn't hear 4 part of that. You said referred to him as?</p> <p>5 A: He referred, Afraaz referred to himself as Aziz.</p> <p>6 MS. THOMAS: Aziz? Thank you.</p> <p>7 A: And I think that stemmed from confusion from another 8 attending thinking his name, he hadn't worked with him 9 much, and thought his name was Aziz. It was a running 10 joke. And I can't say, I guess it was supposed to be 11 Afraaz was just joking around and was poking fun at 12 himself a little bit. But --</p> <p>13 BY MR. ROTHSTEIN:</p> <p>14 Q: Was that Dr. Iaquinto referred to --</p> <p>15 A: Yes. And my understanding was that was an honest 16 mistake. And he would, you know, it was something that 17 I don't think anyone took seriously. And Afraaz was 18 willing to joke about it and he, you know, he poked fun 19 at himself by putting the picture of himself. So I 20 don't recall that being an unusual thing.</p> <p>21 Q: Okay. Do you remember a journal club at the end of 22 your PGY 1 year as you're transitioning to your PGY 2 23 year, so that would have been June of 2011, do you 24 remember that journal club?</p> <p>25 A: No.</p>
<p style="text-align: right;">Page 50</p> <p>1 Q: Do you recall Dr. Irani ever discussing with you 2 feelings that his cultural differences may have 3 explained some of the difficulties he was having with 4 the Palmetto Health USC Residency Program?</p> <p>5 A: I do not recall that. I do remember that, again, 6 Afraaz is, is a, you know, pretty laid back guy. I 7 remember on an interview day for potential candidates 8 coming in that there was a, everyone took a picture, 9 every interviewee took a picture. And then after 10 everyone left just so they could remember they would 11 post, you know, they would talk about each candidate 12 and put their picture up on the big board. And as 13 junior residents we weren't part of that discussion at 14 the end of the day. We were part of the interview day 15 and then we got to leave, you know, whatever time, four 16 or five o'clock. And then the faculty and the upper 17 level residents would stay and discuss the candidates. 18 I do recall an instance, I remember this as a funny 19 memory, that I guess Afraaz was part of the picture 20 taking process, snap a picture with your cell phone, 21 and then we e-mailed all of them to one person and they 22 threw them on a Word doc and put them on the board at 23 the end of the day. And they snuck in a picture of 24 Afraaz, Afraaz himself took a picture and, referred to 25 himself as Aziz. But that was as a, that was a joke.</p>	<p style="text-align: right;">Page 52</p> <p>1 Q: Do you recall presenting an article on Radiation 2 Exposure of Orthopedic Surgeons in one of your earlier 3 journal clubs?</p> <p>4 A: Me? Did I present that?</p> <p>5 Q: Yes.</p> <p>6 A: I remember the article. I don't remember who presented 7 it.</p> <p>8 Q: Do you recall the journal club where Dr. Irani was 9 assigned to present an article about swimming with 10 sharks?</p> <p>11 A: I remember the article. I don't remember who presented 12 it.</p> <p>13 Q: Do you remember anything about Dr. Irani's presentation 14 at that journal, at the journal club?</p> <p>15 A: Again, I remember the article because it was usually 16 presented every year. I don't remember who presented 17 it.</p> <p>18 Q: Which residents would typically present the Swimming 19 With Sharks article?</p> <p>20 A: One of the junior residents.</p> <p>21 Q: Do you ever recall Dr. Koon telling one of the 22 presenters that was doing the Shark article that that 23 article was not randomly assigned to them?</p> <p>24 A: No.</p> <p>25 Q: Did you know that Dr. Irani was placed on academic</p>

Page 53	Page 55
<p>1 remediation in August of 2011 about six weeks into</p> <p>2 y'all's PGY 2 year?</p> <p>3 A: I remember that he was on some sort of probationary</p> <p>4 period. I don't remember what the date was. But I do</p> <p>5 recall that, that he was on probation of some kind.</p> <p>6 Q: Do you recall how you found out that he was on some</p> <p>7 sort of probation?</p> <p>8 A: Specifically, no. He probably told me himself.</p> <p>9 Q: Okay. During your time in the Orthopedic Surgery</p> <p>10 Residency Program, did you ever use Vicryl suture to</p> <p>11 close a wound?</p> <p>12 A: Can you say that again?</p> <p>13 Q: Yes. During your Orthopedic Surgery Residency Program</p> <p>14 did you ever use Vicryl suture to close a wound?</p> <p>15 A: For the top layer, no. But yes, we did use Vicryl for</p> <p>16 the underlayers.</p> <p>17 Q: Did you ever use Vicryl suture in the emergency room</p> <p>18 during your orthopedic surgery residency?</p> <p>19 A: I'm sure I may have at some point. I don't recall.</p> <p>20 Not to close the top of the wound. Not as the final</p> <p>21 closure.</p> <p>22 Q: Did you ever attempt to use Vicryl suture to close the</p> <p>23 top layer of a wound?</p> <p>24 A: Me specifically, no. I don't recall doing that.</p> <p>25 Q: Do you recall any resident attempting to use Vicryl, or</p>	<p>1 specific instance.</p> <p>2 Q: Okay.</p> <p>3 MS. THOMAS: If you reach a stopping point. I'm</p> <p>4 sorry. I need a quick break to the restroom.</p> <p>5 MR. ROTHSTEIN: That's fine.</p> <p>6 (Break - 10:21 a.m.-10:26 a.m.)</p> <p>7 (Question Read Back)</p> <p>8 BY MR. ROTHSTEIN:</p> <p>9 Q: And you mentioned the phrase some of the attendings,</p> <p>10 that it was clear to you that Dr. Irani was not liked</p> <p>11 by some of the attendings. Who were those attendings?</p> <p>12 A: We don't have a very big department so, I can list all</p> <p>13 of them for you if you want. But that's, I mean, it</p> <p>14 was just a general feeling that I had. It may have</p> <p>15 just been me.</p> <p>16 Q: Was it all of the attendings that didn't like Dr. Irani</p> <p>17 or was it some of the attendings? Because when you</p> <p>18 used the word some of the attendings that implies to me</p> <p>19 that it wasn't everybody.</p> <p>20 A: With all due respect to Dr. Irani I feel like he was</p> <p>21 not very well-liked by the faculty.</p> <p>22 Q: Was this level of animosity in your observation the</p> <p>23 same for all the faculty members in terms of their</p> <p>24 animosity toward Dr. Irani?</p> <p>25 MS. THOMAS: Object to the form.</p>
Page 54	Page 56
<p>1 using Vicryl suture to close the top layer of a wound?</p> <p>2 A: It rings a distant bell that there was a discussion</p> <p>3 about that. I don't remember what the details were.</p> <p>4 Q: In November of 2011 did you become aware of an e-mail</p> <p>5 from Dr. Koon to Dr. Irani where Dr. Koon was upset</p> <p>6 with Dr. Irani about the dictation of a VA patient?</p> <p>7 A: Can you restate that?</p> <p>8 Q: Yeah. In November of 2011 did you become aware of an</p> <p>9 e-mail from Dr. Koon to Dr. Irani where Dr. Koon was</p> <p>10 upset with Afraaz about the dictation of a VA patient?</p> <p>11 A: No.</p> <p>12 Q: Were you ever aware of an e-mail from Kenny Linley to</p> <p>13 Dr. Hoover and Dr. Irani stating that the treatment</p> <p>14 toward Dr. Irani seemed like a witch hunt?</p> <p>15 A: No. I don't remember that.</p> <p>16 Q: Did you ever observe any animosity by Dr. Koon</p> <p>17 exhibited or displayed towards Dr. Irani?</p> <p>18 A: Can you rephrase that?</p> <p>19 Q: Yeah. Did you ever observe any animosity displayed by</p> <p>20 Dr. Koon towards Dr. Irani?</p> <p>21 A: I, it was, it was not, it was clear that Dr. Irani was</p> <p>22 not liked by some attendings.</p> <p>23 Q: How was it clear that Dr. Irani was, or clear to you</p> <p>24 that Dr. Irani was not liked by some of the attendings?</p> <p>25 A: Just observations, I guess. I can't remember a</p>	<p>1 MS. HELMS: Object to the form.</p> <p>2 A: That's a lot of speculation. I really couldn't say.</p> <p>3 BY MR. ROTHSTEIN:</p> <p>4 Q: Okay. Well, let's go through. You said it's a pretty</p> <p>5 small department. I think Dr. Koon is the program</p> <p>6 director; right?</p> <p>7 A: Uh-huh (affirmative response). Yes, sir.</p> <p>8 Q: Okay. Did you ever observe any animosity from Dr. Koon</p> <p>9 towards Dr. Irani?</p> <p>10 A: Again, it was a tough program. I think any surgery</p> <p>11 program is a tough program. It doesn't just have to be</p> <p>12 surgery though. But now that I've been part of two</p> <p>13 programs I can say that there is different styles from</p> <p>14 different attendings and it was a tough program, you</p> <p>15 know. I think they were hard on everyone and they</p> <p>16 expected certain things. And if they detected what</p> <p>17 they perceived to be deficiencies they would attempt to</p> <p>18 address them. And everyone has a different style. I'm</p> <p>19 not going to speculate on what someone else's feelings</p> <p>20 were about someone else.</p> <p>21 Q: Now, I wrote this down. I think you testified that it</p> <p>22 was clear that Dr. Irani was not liked by some of the</p> <p>23 attendings.</p> <p>24 A: Uh-huh (affirmative response).</p> <p>25 Q: Was it clear that all of the residents were not liked</p>

Page 57	Page 59
<p>1 by the attendings?</p> <p>2 A: I can't say. It was a tough program.</p> <p>3 Q: Did it seem like some of the attendings were, that they</p> <p>4 liked some of the residents?</p> <p>5 A: I think my general sense to answer that question is</p> <p>6 that the further along you got, and this goes for any</p> <p>7 residency, the further along you get in a program or</p> <p>8 anything you, you know, pay your dues and earn more</p> <p>9 respect. And, you know, by the time you make it to</p> <p>10 your fourth and fifth year you've worked with these</p> <p>11 people for a while. And there appeared to be more of</p> <p>12 a, a little bit more, you know, congeniality or</p> <p>13 whatever the word would be between those people, those</p> <p>14 upper level residents.</p> <p>15 Q: When you were in the Orthopedic Surgery Residency</p> <p>16 Program, were there any residents that you would</p> <p>17 consider to be of a diverse ethnic or racial background</p> <p>18 besides Dr. Irani?</p> <p>19 MS. THOMAS: Object to the form.</p> <p>20 A: I don't know what people's ethnic backgrounds or</p> <p>21 ancestry is so I can't, couldn't say. There's a</p> <p>22 diversity in the hospital. I know that.</p> <p>23 BY MR. ROTHSTEIN:</p> <p>24 Q: Okay. I understand that. Were there any minority</p> <p>25 orthopedic residents during your tenure other than Dr.</p>	<p>1 Q: Can you distinguish looking at that page who you would</p> <p>2 consider a minority candidate, a resident, and who</p> <p>3 would be considered a majority or white resident?</p> <p>4 A: I guess. Yes.</p> <p>5 Q: Okay. And the third year it looks like there's a</p> <p>6 number of either African American or non-white</p> <p>7 residents in the Family Medicine Residency Program, PGY</p> <p>8 1?</p> <p>9 A: Yes. It appears so.</p> <p>10 Q: Looking at Dr. Irani, do you have any difficulty</p> <p>11 observing that his skin complexion is darker than your</p> <p>12 attorney's?</p> <p>13 MS. THOMAS: Object to the form.</p> <p>14 A: Yes. I guess that's, it's a darker complexion.</p> <p>15 BY MR. ROTHSTEIN:</p> <p>16 Q: You have no difficulty discerning that just by looking</p> <p>17 at the two of them, do you?</p> <p>18 MS. THOMAS: Object to the form.</p> <p>19 A: A really bizarre question. But yes, I can detect a</p> <p>20 difference. Yes.</p> <p>21 BY MR. ROTHSTEIN:</p> <p>22 Q: I agree it's a bizarre question. Do you recall a knee</p> <p>23 patient from your PGY 2 year who called in over the</p> <p>24 Thanksgiving weekend in 2011 when you were on call?</p> <p>25 Post-operative patient with a draining wound?</p>
Page 58	Page 60
<p>1 Irani?</p> <p>2 MS. THOMAS: Object to the form.</p> <p>3 A: Not minorities. There was females. So I would, me</p> <p>4 personally, my opinion would be that would count as</p> <p>5 diversity if I was looking at an organization.</p> <p>6 BY MR. ROTHSTEIN:</p> <p>7 Q: Look at Exhibit 2 if you will please which is the</p> <p>8 photographs of the residents in the Family Medicine</p> <p>9 Residency Program. Do you know Danesh Ghiassi?</p> <p>10 A: Yes.</p> <p>11 Q: Do you know Ahmed Khan?</p> <p>12 A: Yes.</p> <p>13 Q: Do you know Adamna -- I can't pronounce her last name.</p> <p>14 A: Ndubizu?</p> <p>15 Q: Yes.</p> <p>16 A: Yes.</p> <p>17 Q: Do you know Dezmond Sumter?</p> <p>18 A: I know all these people.</p> <p>19 Q: Do you believe that those are Caucasian individuals?</p> <p>20 A: No.</p> <p>21 Q: How would you describe them? Would you describe them</p> <p>22 as minority candidates?</p> <p>23 A: Yes.</p> <p>24 Q: Page two, your classmates, do you know Feneisha Fervil?</p> <p>25 A: I know everyone on the page.</p>	<p>1 A: You would have to give me more specifics. You</p> <p>2 understand we saw like 15 to 20 consults per call. So</p> <p>3 average that over three years.</p> <p>4 Q: Do you recall being on call Thanksgiving weekend 2011</p> <p>5 on Sunday?</p> <p>6 A: I would have to look at the call schedule. It was</p> <p>7 standard for the junior level residents to be on for</p> <p>8 holidays. So I'm sure I was on at some point during</p> <p>9 Thanksgiving weekend.</p> <p>10 Q: Do you recall a patient where you -- or let me back</p> <p>11 this up. Do you recall a time when Dr. Irani over the</p> <p>12 Thanksgiving weekend was on call on a Saturday and you</p> <p>13 were on call the following day on a Sunday?</p> <p>14 A: If we're getting into specifics I don't remember</p> <p>15 exactly which days. But I do remember being on</p> <p>16 Thanksgiving weekend only because it would have been</p> <p>17 standard for the junior level, the second years to be</p> <p>18 on call for a holiday weekend.</p> <p>19 Q: Okay. Do you recall meeting at that time with</p> <p>20 Dr. Hoover about a patient of Dr. Koon's who called in</p> <p>21 over the weekend with a knee, potential knee infection</p> <p>22 post-op?</p> <p>23 A: I don't remember that specifically. Now that you</p> <p>24 mention that I do remember getting a page in the OR at</p> <p>25 the VA at some point, presumably after the fact about</p>

Page 61	Page 63
<p>1 this patient. But I don't remember the details.</p> <p>2 Q: Okay.</p> <p>3 A: Other than there was a post-op patient with a wound</p> <p>4 complaint.</p> <p>5 Q: What did you do in response to the page?</p> <p>6 A: I don't remember.</p> <p>7 Q: Do you recall coming to a meeting at Palmetto Health</p> <p>8 Richland with Dr. Hoover?</p> <p>9 A: No.</p> <p>10 Q: And Dr. Irani to discuss that?</p> <p>11 A: I don't.</p> <p>12 Q: You don't? What stands out in your mind about</p> <p>13 receiving that page?</p> <p>14 A: I remember being concerned because it was a post-op</p> <p>15 patient. It was in the operating room. We were, I was</p> <p>16 clearly not scrubbed in at the time so I don't know if</p> <p>17 the case was beginning or ending. But I remember any</p> <p>18 time there was a post-op, you know, patient that was</p> <p>19 obviously a higher level of concern. So I was hoping I</p> <p>20 hadn't done something wrong or that was, you know,</p> <p>21 something wasn't wrong. But I honestly do not remember</p> <p>22 the specifics.</p> <p>23 Q: Okay. Did you work at the VA on a Sunday?</p> <p>24 A: I would have to look at the call schedule. I don't</p> <p>25 remember. All I remember is being on Thanksgiving</p>	<p>1 Q: Okay. Do you recall what you told that patient in</p> <p>2 terms of what your advice to him or her was?</p> <p>3 A: I don't remember specifically.</p> <p>4 Q: Okay. If a patient called in post-operatively and had</p> <p>5 drainage coming from a wound from a knee operation,</p> <p>6 what would you have told that patient?</p> <p>7 A: My specific policy on anyone calling in to the call</p> <p>8 pager whether it was in orthopedics or in family</p> <p>9 medicine I can't make a diagnosis over the phone. The</p> <p>10 safest thing to do is to come in to the ED to be</p> <p>11 evaluated. That would be my general response to any</p> <p>12 patient. Again, I don't remember the specifics of what</p> <p>13 I would have said to a patient two or three years ago.</p> <p>14 Q: Do you recall a situation where you gave that advice to</p> <p>15 the patient and the patient decided not to come in to</p> <p>16 the ED that day?</p> <p>17 A: Again, I don't remember the specifics. I do remember</p> <p>18 this case. But I do not remember the specifics of what</p> <p>19 I would have said on a random phone conversation three</p> <p>20 years ago.</p> <p>21 Q: Do you recall discussions with Dr. Irani about this</p> <p>22 particular patient?</p> <p>23 A: I'm sure we would have discussed it. I don't remember</p> <p>24 specifics about a discussion we had.</p> <p>25 Q: Okay. Do you, in your recollection of this, do you</p>
Page 62	Page 64
<p>1 weekend and we covered both hospitals at the time.</p> <p>2 Q: But were you in the OR with Dr. Eady on a Sunday at the</p> <p>3 VA?</p> <p>4 A: No. It wouldn't have been on a Sunday. This would be</p> <p>5 during the week would be my recollection. But again, I</p> <p>6 can't say for sure.</p> <p>7 Q: Do you recall Dr. Koon chewing you out about this</p> <p>8 particular patient with a knee infection, post-op knee</p> <p>9 infection?</p> <p>10 A: I don't remember that specifically.</p> <p>11 Q: Did Dr. Koon ever chew you out?</p> <p>12 A: I'm sure at one time or another he probably was upset</p> <p>13 with, you know, any resident. Yes. He was upset with</p> <p>14 me before.</p> <p>15 Q: Okay. Do you ever recall a knee patient who called in</p> <p>16 to the hospital and spoke to Dr. Irani first and then</p> <p>17 later called you back the next day and then later had</p> <p>18 to come in to the hospital to have a knee irrigated or</p> <p>19 washed out and treated for an infection?</p> <p>20 A: The case that we're discussing, yes, did involve Dr.</p> <p>21 Irani and me. I do remember that. I don't remember</p> <p>22 the specifics other than we both were involved. Both</p> <p>23 were paged. I don't remember what was said. I know it</p> <p>24 was any time there was a post-op patient it was</p> <p>25 definitely higher, higher risk.</p>	<p>1 believe that your conversation, phone conversation with</p> <p>2 this patient was similar to Dr. Irani's telephone</p> <p>3 conversation with this patient?</p> <p>4 A: I couldn't say.</p> <p>5 Q: Did you get written up in response, in regard to this</p> <p>6 particular patient?</p> <p>7 A: What do you mean written up?</p> <p>8 Q: Did you get placed on academic remediation because of</p> <p>9 this patient?</p> <p>10 A: No.</p> <p>11 Q: Did you have any disciplinary action taken against you</p> <p>12 with regard to this patient?</p> <p>13 A: As far as I recall, no.</p> <p>14 Q: Okay. Do you recall speaking with Dr. Irani on</p> <p>15 December 5th 2011 around 6:15 or 6:30 in the cafeteria?</p> <p>16 A: No.</p> <p>17 Q: Do you recall a time seeing Dr. Irani in the cafeteria</p> <p>18 late in the evening or I guess early in the evening</p> <p>19 where he appeared to be upset about a faculty meeting</p> <p>20 that he had attended?</p> <p>21 A: I don't remember that specifically, no. That specific</p> <p>22 instance, no.</p> <p>23 Q: Do you ever remember having discussions with Dr. Irani</p> <p>24 about a situation where he was called in to a faculty</p> <p>25 meeting at the Orthopedic Surgery Department?</p>

Page 65	Page 67
<p>1 A: Specifically, no. But I'm sure he would have had a 2 faculty meeting. 3 Q: How many times did you get called in to faculty 4 meetings during your residency? 5 A: Once. 6 Q: When was that? 7 A: Probably this, it would have been summer of my second 8 year going into my third year. Or sometime towards the 9 end of my second year would be my guess. 10 Q: Okay. 11 A: End of, would have been 2012, I guess. 12 Q: Was that a memorable experience for you? 13 A: Yes. 14 Q: Tell me what happened during that faculty meeting. 15 A: If the faculty had concerns about any deficiencies that 16 they detected they would call you first to, they would 17 address it personally, have the chief residents address 18 it, I don't know in which order. But if there were 19 still deficiencies they detected, or they felt were 20 present, they would call you in to a faculty meeting. 21 All the faculty would be present. Upper level resident 22 would be involved. For me it was Kenny Linley. And 23 they would go over what they felt you needed to improve 24 on. 25 Q: Okay. Were you informed of these deficiencies or the</p>	<p>1 remember if he asked me during the meeting. But he did 2 ask me that at some point around that time. 3 Q: Did Dr. Koon ask you if you were recording the meeting? 4 A: I'm sorry? 5 Q: Did Dr. Koon ask you if you were recording the meeting? 6 A: I don't recall. That would have been an unusual 7 question. I don't remember that. 8 Q: Did Dr. Koon ask you to put your phone on the table 9 before the meeting started? 10 A: I don't recall. 11 Q: Did any, do you recall any other faculty members 12 discussing with you the alleged deficiencies besides 13 Dr. Koon? 14 A: In my case? 15 Q: Yes. 16 A: Yes. 17 Q: Okay. Who else do you recall being involved in that 18 discussion? 19 A: I mean, it was kind of a round table discussion. So 20 most of them probably would have chimed in. I remember 21 Kenny Linley speaking. I remember Dr. Mazoue speaking. 22 Q: Do you recall whose patient this was? 23 MS. HELMS: Object to the form of the question. 24 MS. THOMAS: Object to the form. 25 A: It wasn't regarding a specific patient for me. It was</p>
Page 66	Page 68
<p>1 nature of these alleged deficiencies by your senior 2 resident prior to the faculty meeting? 3 A: Yes. 4 Q: Did you offer an explanation or did you have 5 discussions with your senior resident about sort of 6 your side of the story before the faculty meeting? 7 A: I'm sure I would have. I don't remember the specific 8 conversations. 9 Q: Were there things brought up during the faculty meeting 10 that were new to you that you had never heard about 11 before? Allegations of deficiencies? 12 A: I disagreed with some of them. Yes. 13 Q: Were you given an opportunity during the faculty 14 meeting to explain or discuss things from your 15 perspective? 16 A: Yes. 17 Q: Did you feel like you were being cross-examined by 18 Dr. Koon during that faculty meeting? 19 A: No. 20 Q: Did Dr. Koon ever raise his voice toward you during 21 that faculty meeting? 22 A: Not that I recall. 23 Q: Did Dr. Koon ask you if you wanted to continue in the 24 residency program during the faculty meeting? 25 A: I remember him asking me that at one point. I don't</p>	<p>1 how I needed to improve. 2 BY MR. ROTHSTEIN: 3 Q: Were there any specific patient encounters that were 4 addressed during the faculty meeting? 5 A: Not that I can recall but I couldn't say. 6 Q: Was there some specific event that prompted your senior 7 resident to speak with you, then later you be summoned 8 to the faculty meeting? 9 A: I think there was an overall concern for me as to did I 10 really want to be a surgical resident. That was the 11 bottom line for me. I had just had a son. And my 12 motivation and perspective had drastically changed. 13 But I feel that in my case they were correct in the 14 fact that they did not, they needed to hear from me 15 that I was dedicated to be continuing in surgical 16 residency in my case. 17 Q: Now, when was your child born? 18 A: May XX (redacted) 2012. 19 Q: That was your first child? 20 MS. THOMAS: I'm sorry. Can we redact the child's 21 birthday so we don't have to, I mean, can we agree to 22 take it off, we don't need to have that in the 23 transcript. 24 MR. ROTHSTEIN: Do you think somebody's going to 25 steal a two-year-old's --</p>

<p style="text-align: right;">Page 69</p> <p>1 A: Just to go through identify theft to say that's a yeah. 2 It was May of 2012. If we can, I would request that as 3 well. Thank you. 4 MS. THOMAS: Okay. 5 BY MR. ROTHSTEIN: 6 Q: That's fine. 7 A: Literally just two weeks ago went through identify 8 theft. 9 Q: In relation to your child's birth, how soon was the 10 faculty meeting after that? 11 A: It would have been some months later. Again, I don't 12 remember specifically. If I recall it was sometime in 13 the summer. 14 Q: Did you request FMLA time to be with your newborn 15 child? 16 A: Yes. 17 Q: How much time off did you get? 18 A: Standard was one week across the hospital. But that 19 was, my understanding was a courtesy thing. I don't 20 recall it being official policy. I have no idea if it 21 was official or not. 22 Q: Okay. Did you ask for more than one week? 23 A: No. 24 Q: Did you get the day off the day your child was born? 25 A: I did. I was actually on call. And my fellow</p>	<p style="text-align: right;">Page 71</p> <p>1 officially requested leave. It was, my understanding 2 was it was just kind of a courtesy because it was 3 paternal. Obviously my wife requested officially and 4 got three months off. And I don't know if it was an 5 official thing. I don't recall ever signing anything. 6 It was just a courtesy because you were the dad and 7 that's not, you know, obviously not as important as the 8 mom being off. 9 Q: Who told you that it was not as important for the dad 10 to be off? 11 A: That was my impression of the situation. 12 MS. HELMS: Objection to the form of the question. 13 BY MR. ROTHSTEIN: 14 Q: Okay. 15 A: That was my impression of the situation. 16 Q: Tell me what research paper you presented at Kimbrough 17 Moore Day that year. 18 A: In my second year it would have been about receive 19 cephalomedullary nails in hip fractures. So it was 20 about hip fractures essentially. 21 Q: Was that a final project that you had completed? 22 A: It was actually a multi-center project. So I was 23 basically one of many just presenting the findings from 24 our hospital. 25 Q: Okay. How long was your presentation?</p>
<p style="text-align: right;">Page 70</p> <p>1 residents helped me out and took the call for me. 2 Q: Do you recall whether or can you tell me what Kimbrough 3 Moore Day is? 4 A: It's a research, annual research day. Every resident 5 presents the research they've been doing for the 6 previous year. 7 Q: In May of 2012, did you participate in the Kimbrough 8 Moore Day? 9 A: I did. 10 Q: Did that Kimbrough Moore Day coincide with the day your 11 child was born? 12 A: No. 13 Q: Did you request to be excused from Kimbrough Moore Day 14 in connection with the birth of your child? 15 A: It had happened, the birth had been earlier in the 16 week. I did ask to be excused and present at a later 17 date. And I was asked to reconsider because there were 18 guests coming in from out of town. There was a 19 special, you know, speaker. And all the faculty and, 20 you know, a lot of people were going to be there and 21 was asked to come in. 22 Q: So Kimbrough Moore Day fell within the time between the 23 birth of your child and the week you had requested 24 leave; is that right? 25 A: Yes. Again I don't know if I specifically like</p>	<p style="text-align: right;">Page 72</p> <p>1 A: I don't remember. 2 Q: Was this a final project or were you giving a 3 presentation on ongoing research, like a status update? 4 A: I can't say. I did not continue working on it after 5 the fact. I'm sure I could have continued but I moved 6 on to something else for the next year doing some ACL 7 research. So I could have continued it I guess. I 8 don't know. 9 Q: Is there time during your PGY 1 or PGY 2 year to do 10 extensive research in orthopedics? 11 A: I know there was always a dedicated research time. 12 They even had research months. I would have to look at 13 the schedule. I don't remember specifically. 14 Q: So tell me again. When you request, who did you 15 request to sort of skip the Kimbrough Moore Day so you 16 could be with your wife and child? 17 MS. THOMAS: Object to the form. 18 A: I probably would have gone through the chief resident 19 because that was the standard hierarchy. So I probably 20 would have asked him first. 21 BY MR. ROTHSTEIN: 22 Q: That was Kenny Linley at the time? 23 A: No. That would have been Justin Hoover, I guess. I 24 just remember him being the upper level at the time. 25 So I guess that would make sense.</p>

<p style="text-align: right;">Page 73</p> <p>1 Q: Was Hoover receptive to you -- or first of all, had 2 Hoover approved your one-week leave surrounding the 3 birth of your child? 4 A: Again, it wasn't an official request so there was no 5 approval to be given. It was, we're going to help you 6 out this week. And I remember asking him later in the 7 week if I could, you know, potentially skip that. And 8 honestly in hindsight that was probably partially 9 because I hate public speaking. And, but the research 10 was done though. I had nothing else to do. I had 11 already completed the project. So it would have been 12 very easy for me to go. I was in and out in under an 13 hour. In the whole scheme of things it didn't affect 14 me at all. At the time I do recall being upset about 15 it but it was not anything official, you know. There 16 was no, I don't recall signing any request paperwork or 17 anything official. 18 Q: Was Hoover supportive of you taking, or missing 19 Kimbrough Moore Day? Was he agreeable to that? 20 A: He's a father himself. I'm sure he was, you know, 21 empathetic. But I do recall him encouraging me because 22 I had already done the work to go and kind of show off 23 what you had done. It was felt to be a good project. 24 And I remember getting a positive response about it. 25 Q: Well, who told you that they had guests coming, this</p>	<p style="text-align: right;">Page 75</p> <p>1 couldn't say. 2 BY MR. ROTHSTEIN: 3 Q: Now you mentioned the candidate interview situation. I 4 think you talked about the pictures that were posted. 5 Do you recall a meeting the day before the candidate 6 interviews on December 8th of 2011 at Jillian's 7 Restaurant in Columbia? 8 A: I don't remember that specifically. We always had a 9 pre-interview dinner the night before at Jillian's. 10 And nothing changed. That was the same. We had two 11 interview days per year. And we always had the dinners 12 at Jillian's. 13 Q: Do you recall during one of those dinners Dr. Irani 14 having a discussion with Dr. Nathe about a trauma 15 patient? 16 A: No. 17 Q: Do you know anything about trauma patient female 375? 18 A: No. 19 Q: Were you involved in the care of a trauma patient 20 female 375? 21 A: I took care of a lot of trauma patients. I know what 22 you are referring to. I was not involved in the case 23 or the patient. I can't speculate on anything. 24 Everything I heard was hearsay. So I don't trust 25 hearsay.</p>
<p style="text-align: right;">Page 74</p> <p>1 has been planned, we need to be there? Was that 2 Hoover? 3 A: I remember speaking with Hoover about it and then 4 Dr. Koon about it. 5 Q: Did Dr. Koon and Dr. Hoover have the same, or did they 6 express to you the same recommendation or decision 7 about that? 8 A: Again, the suggestion was that I should be there. And 9 that they would do everything they could just to get me 10 in and out. They even offered for me to be able to 11 present first which I, even though I was, you know, 12 upset about it at the time I remember being 13 appreciative of that. And it was very unusual they 14 actually did let me leave as soon as my presentation 15 was done which was not standard. So I was appreciative 16 of the fact that they did make concessions which is, 17 would be unusual for any resident I would say. 18 Q: And shortly after that they called you in to the 19 faculty meeting and questioned your commitment to the 20 program or dedication to the program? 21 MS. HELMS: Objection to the form of the question. 22 MS. THOMAS: Object to the form. 23 A: I don't remember. Again, I would have to look at the 24 date of the faculty meeting. I don't remember. And 25 I'm not sure if the two were connected or not. I</p>	<p style="text-align: right;">Page 76</p> <p>1 Q: During your, I guess during your first half of your PGY 2 2 year, if you were on call and a patient came in with 3 multiple open fractures, do you believe that that was 4 something at that level of training that you could have 5 managed completely by yourself? 6 A: Can you rephrase that? 7 Q: Yeah. If you were on call and a trauma patient came in 8 with multiple open fractures while you were still in 9 your early PGY 2 year, do you believe that is the type 10 of patient you could have managed by yourself? 11 MS. THOMAS: Object to the form. 12 A: I personally would have been nervous about that. But 13 I'm kind of a nervous guy anyway. So I, you know, 14 manage. It depends upon how you define manage. 15 Clearly as an early 2 you would have been preparing 16 them for the operating room and that was standard. So 17 you would have been expected to triage the patient in 18 the trauma bay and check out to your senior resident if 19 it was a USC call day or to the Premier attending 20 directly if it was a Premier day unless there was a 21 senior resident on Premier. And then you would have 22 probably have called them I guess. But there was 23 always a protocol in place. But yeah, I mean, manage, 24 if that's including fracture management in the 25 operating room, no. I mean, as a 2 you wouldn't have</p>

Page 77	Page 79
<p>1 been ready to operate on your own.</p> <p>2 BY MR. ROTHSTEIN:</p> <p>3 Q: Okay. If you felt like the situation, I mean, as a PGY</p> <p>4 2 you're still very early on in your learning curve in</p> <p>5 the program; is that fair to say?</p> <p>6 A: Correct.</p> <p>7 Q: So the standard of care for a PGY 2 orthopedic resident</p> <p>8 is different than the standard for a PGY 3; would you</p> <p>9 agree with that?</p> <p>10 MS. HELMS: Object to the form of the question.</p> <p>11 A: I would disagree with that.</p> <p>12 BY MR. ROTHSTEIN:</p> <p>13 Q: Okay. What about the difference in the standard of</p> <p>14 care between a PGY 2 and a PGY 4? Is there a</p> <p>15 difference in the standard of care expected of a PGY 2</p> <p>16 resident versus a PGY 4 resident?</p> <p>17 A: Naturally in any program you would be expected to be</p> <p>18 more proficient as you moved on in your training. One</p> <p>19 would be a junior level, one would be a senior. That's</p> <p>20 why I said the PGY 2 and 3, you would probably be more</p> <p>21 comfortable managing it. But you would still be</p> <p>22 considered a junior resident checking out to another</p> <p>23 level resident. As a 4, I mean, you wouldn't be seeing</p> <p>24 that, that just wouldn't happen. You wouldn't be</p> <p>25 seeing that on your own anyways. Like there would have</p>	<p>1 sometimes that would change.</p> <p>2 Q: Would you generally swap rotations with your</p> <p>3 co-resident? Like you were away from Palmetto Health</p> <p>4 Richland the first half, Dr. Irani was on the</p> <p>5 orthopedic service? And then the second half you were</p> <p>6 expected to sort of switch positions?</p> <p>7 A: In general, yes. But again, I would have to look at</p> <p>8 the specific schedule for Dr. Irani.</p> <p>9 Q: When Dr. Irani came back from his suspension do you</p> <p>10 recall where he was assigned?</p> <p>11 A: I don't.</p> <p>12 Q: Was he assigned at the VA or was he assigned to</p> <p>13 Richland?</p> <p>14 A: I don't remember.</p> <p>15 Q: Do you recall seeing Dr. Irani more frequently when he</p> <p>16 came back from his suspension than the time when you</p> <p>17 were at the VA and he was at Palmetto Health Richland?</p> <p>18 A: I don't remember exactly. I'm sure he would have been</p> <p>19 based at Richland though when he came back from his</p> <p>20 probation or his suspension.</p> <p>21 MS. HELMS: Can we take just a real quick break if</p> <p>22 it's a good time?</p> <p>23 MR. ROTHSTEIN: That's fine.</p> <p>24 (Break - 11:02 a.m.-11:05 a.m.)</p> <p>25 (Plaintiff's Exhibit Number 3 was marked for identification</p>
Page 78	Page 80
<p>1 been a junior under you at least laying eyes on the</p> <p>2 patient and then contacting someone if, you know, when</p> <p>3 you were ready to check out. So I always felt very</p> <p>4 comfortable calling my seniors.</p> <p>5 Q: Do you recall after you came back from the VA, I guess</p> <p>6 it would have been after the first of the year of 2012,</p> <p>7 sort of the latter part of your PGY 2 year, do you</p> <p>8 recall Dr. Irani being on suspension or just not being</p> <p>9 there?</p> <p>10 A: I do recall that. Yes.</p> <p>11 Q: Okay. How did you find out that Dr. Irani was, had</p> <p>12 been suspended from the program?</p> <p>13 A: I don't recall specifics. I'm sure, again, as we were</p> <p>14 friends I'm sure he was updating me along the way.</p> <p>15 Q: Do you recall at that time when you, so you were at the</p> <p>16 VA until what, the end of the year, the end of 2011?</p> <p>17 A: If I recall, yeah. I would have been there. It was a</p> <p>18 three-month block. So it would have been October,</p> <p>19 November, December if I recall.</p> <p>20 Q: Okay. And then once you finished at the VA, what was</p> <p>21 Dr. Irani supposed to do the next, or what were y'all</p> <p>22 supposed to do in the second half of the year?</p> <p>23 A: It was pre-assigned. So I don't, I don't remember.</p> <p>24 Sometimes it changed. But I don't, I mean, it would</p> <p>25 have been whatever was on his schedule. And again,</p>	<p>1 purposes.)</p> <p>2 BY MR. ROTHSTEIN:</p> <p>3 Q: Dr. Goodno, I'm going to hand you Exhibit 3 and ask you</p> <p>4 to take a look at that a second. That was the packet</p> <p>5 of information your attorney provided to me a few</p> <p>6 minutes ago. Can you look through there and tell me if</p> <p>7 you believe that that's a copy of your response to the</p> <p>8 subpoena duces tecum documents?</p> <p>9 A: Is this what I provided? Is that what you mean?</p> <p>10 Q: Yes. Is that what you provided to Ms. Dudley Helms in</p> <p>11 response to my subpoena?</p> <p>12 A: It looks, yes, to be e-mails between me and Afraaz.</p> <p>13 Q: Does that appear to be the entire packet of information</p> <p>14 you provided to Ms. Dudley Helms?</p> <p>15 A: It looks like it. Yeah. I had it in a little manila</p> <p>16 envelope. I just printed every e-mail that I had in my</p> <p>17 Hot Mail. I didn't have any in my Palmetto Health.</p> <p>18 Q: Did you ever receive a litigation hold notice about Dr.</p> <p>19 Irani?</p> <p>20 A: I don't know even know what that means. No. I don't</p> <p>21 think so.</p> <p>22 Q: Okay. We before the break were talking about Dr. Irani</p> <p>23 coming back from a period of suspension sometime in</p> <p>24 early 2012. And do you recall that?</p> <p>25 A: Yes.</p>

<p style="text-align: right;">Page 81</p> <p>1 (Plaintiff's Exhibit Number 4 was marked for identification 2 purposes.) 3 Q: I hand you a document that's been marked as Plaintiff's 4 Exhibit 4. 5 MS. THOMAS: If you're going to show the witness 6 this and question him about it, then I want the record 7 to reflect this is Dr. Irani's printouts of his texts. 8 And we have already established that the times on them 9 are not correct. 10 MR. ROTHSTEIN: Okay. 11 BY MR. ROTHSTEIN: 12 Q: You see Plaintiff's Exhibit 4? 13 A: Yes. I see it. 14 Q: Okay. This is some text communication between, well, 15 the only image you see here is I think it says Harrison 16 Goodno and it has a phone number. Do you recognize 17 that as your phone number at the time? 18 A: Yes. 19 Q: Okay. 20 A: I don't know who's blue and who's white. 21 Q: If you take a look at it for a minute can you tell 22 who's blue and who's white? And I'll direct your 23 attention to the bottom right-hand image of the screen 24 shot. Do you see, it says, what's new pussy cat? 25 A: Uh-huh (affirmative response).</p>	<p style="text-align: right;">Page 83</p> <p>1 personal life. 2 Q: What about with regard to specific patients? Do you 3 think it's unreliable sometimes to rely on what one 4 person tells you about another patient? 5 A: Not necessarily. I mean, you have to check out to 6 someone else. You, you know, there's check out every 7 call, every change of shift. I mean, you're supposed 8 to check out patients to each other and let them know 9 who's on the service. And, I mean, certainly you have 10 to trust that. I'm just referring to, you know, in 11 general wouldn't rely on just one person's account of a 12 situation, especially if it was a high-risk situation. 13 Q: Okay. What if there were different versions of the 14 account from one person to the next? What would you do 15 to verify that? 16 A: If it was me personally and I was going to be involved 17 with the patient I would probably go evaluate them 18 myself. I don't recall any specifics about this case 19 other than the fact that it was high risk and it was 20 something that was, you know, a high risk situation, I 21 guess. 22 Q: Okay. From what you've heard from other people about 23 this particular spine patient, do you believe you're 24 qualified to render an opinion about whether the care 25 rendered was appropriate or acceptable just from what</p>
<p style="text-align: right;">Page 82</p> <p>1 Q: Is that something you would have said or Dr. Irani 2 would have said? 3 A: I don't remember. It's a Tom Jones song that, I think 4 Afraaz introduced me to at 1801 clinic. It's not a, 5 it's a terrible song. But I don't know who would have 6 said it. The only thing I can say is that, the only 7 thing that I, looking at these last night was the white 8 must be Afraaz because he's talking about a patient 9 with foot drop that needed a stat MRI. And I remember 10 that case. So -- 11 Q: Okay. Tell me what you remember about that case. 12 A: Similar to the other case we started to discuss. I 13 wasn't part of the exam and was not present for it. 14 Everything would have been hearsay. Or, you know, I 15 can't really, I can't really comment on something like 16 that. I would be uncomfortable in commenting on that. 17 Q: Okay. Tell me why you're uncomfortable with hearsay. 18 A: Because you can't trust gossip. It's just a good rule 19 in general in my experience. 20 Q: Do you believe it's unreliable to rely just simply on 21 what someone tells you about a certain situation? 22 A: When it comes to specific patients or just in general 23 in life? I'm not sure what you mean. 24 Q: Just in general in life. 25 A: I don't, I try and stay out of gossip if I can in my</p>	<p style="text-align: right;">Page 84</p> <p>1 you've heard? 2 MS. HELMS: Object to the form. 3 MS. THOMAS: Object to the form. 4 A: I wouldn't feel comfortable, no. Especially since I 5 didn't even graduate from an orthopedic residency. I 6 would not feel comfortable saying that. 7 BY MR. ROTHSTEIN: 8 Q: Okay. If you wanted to verify what one side was saying 9 about this particular patient, would one way to do 10 that, one way to do that would be to go to the actual 11 medical records and look at the medical records. 12 Wouldn't you agree with that? 13 MS. THOMAS: Object to the form. 14 A: Can you rephrase that please? 15 BY MR. ROTHSTEIN: 16 Q: Yeah. If there's a difference of opinion about this 17 particular spine patient, one way to get a better 18 understanding of which side to believe or to verify 19 would be to go look at at the actual medical record. 20 Do you agree with that? 21 MS. THOMAS: Object to the form. 22 A: That would be one of many ways to verify. In my 23 specific situation, I always go and evaluate the 24 patients. If there are sicker patients on a service, 25 whether it was in orthopedics or in family medicine, I</p>

Page 85	Page 87
<p>1 would go and evaluate the patient myself, render my own 2 decision and assessment of the situation. I can't 3 comment on this case because I don't recall ever seeing 4 this patient. So that would be very unusual for me to 5 comment on that.</p> <p>6 BY MR. ROTHSTEIN:</p> <p>7 Q: Okay. Now, I think what Ms. Thomas was mentioning 8 earlier was these screen shots were printed out in 9 California on Pacific time. And so the times may be 10 off because I think when they were printed the phone 11 was physically located in California; okay? So 12 assuming there's a three-hour difference between 13 California time and east coast time, if you will look 14 at the bottom left-hand screen shot from Exhibit 4, do 15 you recall receiving an e-mail or a text message from 16 Dr. Irani on February 24th 2012 about a spine patient 17 of Dr. Grabowski's?</p> <p>18 MS. THOMAS: Object to the form.</p> <p>19 A: Can you rephrase that or restate that?</p> <p>20 BY MR. ROTHSTEIN:</p> <p>21 Q: Yeah. Do you recall receiving a text message from Dr. 22 Irani on February 24th 2012 regarding a spine patient 23 of Dr. Grabowski's?</p> <p>24 A: I don't remember the specific date. So to answer your 25 question, no. I do remember this case only because it</p>	<p>1 first find out about the suspension?</p> <p>2 A: I, I remember Justin Hoover telling me that Afraaz was 3 probably going to be, just a heads up, he's probably 4 going to be suspended. I don't remember exactly when 5 that was. Sometime around, yeah, it would have been 6 around Christmastime, in December.</p> <p>7 Q: What about in March of 2012? Did you, when did you 8 find out that Afraaz had been suspended again?</p> <p>9 A: That I don't remember.</p> <p>10 MS. HELMS: Object to the form of the question.</p> <p>11 BY MR. ROTHSTEIN:</p> <p>12 Q: Do you remember how you found that out?</p> <p>13 A: I do not remember that.</p> <p>14 Q: Okay. When did you find out that Dr. Irani was 15 terminated from the program?</p> <p>16 A: The time frame, I don't recall. I'm sure he told me 17 myself, himself, but I don't remember.</p> <p>18 Q: Do you know why he was terminated from the program?</p> <p>19 A: The specifics, no. I mean, I wasn't part of any of 20 those hearings or meetings. So I don't know.</p> <p>21 Q: Did you continue to keep in touch with Dr. Irani for a 22 while after he left South Carolina?</p> <p>23 A: Yes.</p> <p>24 Q: When was the last time you saw Dr. Irani prior to today 25 in person?</p>
Page 86	Page 88
<p>1 was a higher, you know, again a high risk case that any 2 post-op patient who had any issues automatically in 3 general made it a, you know, something that you would 4 be on more alert. But I do not remember on February 5 24th receiving this text. No.</p> <p>6 Q: Okay. Do you recall receiving a text from Dr. Irani, 7 not looking at the time, about Dr. Grabowski being 8 pissed at him about a spine patient?</p> <p>9 A: Specifically, no. I would imagine any attending would 10 be upset about if they had a post-op patient having 11 some sort of issue.</p> <p>12 Q: All right. Looking at the bottom right-hand, I think 13 we established that the blue bubbles are your side of 14 the conversation and the white ones appear to be Dr. 15 Irani's conversation or side of the conversation. Do 16 you accept that?</p> <p>17 A: It appears so, but, you know.</p> <p>18 Q: Okay. Well, accepting that if you will look at the 19 bottom right-hand screen shot, the what's new pussy 20 cat, whoa, whoa, whoa, do you recall texting Dr. Irani 21 that you would see two of his patients in the morning 22 of, I guess it would be March the 1st 2012?</p> <p>23 A: I don't remember it specifically. No.</p> <p>24 Q: Now, when Dr. Irani was suspended in December of 2011 25 through the first of 2012 time frame, when did you</p>	<p>1 A: I don't know. We all went out to eat at the restaurant 2 by the lake. I don't know if that would have been the 3 last time or not. I don't remember.</p> <p>4 Q: Do you recall seeing Dr. Irani back in South Carolina 5 on Father's Day in 2013?</p> <p>6 A: Again, I don't remember the specific dates.</p> <p>7 Q: Do you remember having breakfast or eating with Dr. 8 Irani --</p> <p>9 A: Yes.</p> <p>10 Q: -- at the Original Pancake House?</p> <p>11 A: Yeah. I remember that.</p> <p>12 Q: How long would you say you spent with Dr. Irani that 13 day?</p> <p>14 A: It was a morning. Went out to brunch. A few hours. 15 I'm not sure.</p> <p>16 Q: Do you recall that was, that you discussed that you 17 were getting ready to start or had just started your 18 Family Medicine Residency?</p> <p>19 A: I believe so. Yes.</p> <p>20 Q: Okay. Do you recall whether Dr. Irani was getting 21 ready to start an Emergency Medicine Residency in 22 California?</p> <p>23 A: That sounds right. Yes.</p> <p>24 Q: Okay. At that time did Dr. Irani indicate that he had 25 filed a lawsuit against anyone in connection with his</p>

Page 89	Page 91
<p>1 departure from Palmetto Health USC Residency Program?</p> <p>2 A: I don't remember.</p> <p>3 Q: Do you recall anyone else at the brunch with you and</p> <p>4 Dr. Irani?</p> <p>5 A: It was just the two of us.</p> <p>6 Q: Is that the last time you can recall seeing Dr. Irani</p> <p>7 before today?</p> <p>8 A: Again, we went out to dinner at some point. And he</p> <p>9 joined us. I don't remember exactly when that was. It</p> <p>10 may have been the same weekend. I don't recall.</p> <p>11 Q: Was that at the Rusty Anchor?</p> <p>12 A: Uh-huh (affirmative response). Yes.</p> <p>13 Q: Was your relationship with Dr. Irani at that time</p> <p>14 friendly and cordial?</p> <p>15 A: It's always been friendly and cordial.</p> <p>16 Q: When Dr. Irani was traveling back across the country to</p> <p>17 start his Emergency Medicine rotation, did you have</p> <p>18 communications with him as he was driving across</p> <p>19 country?</p> <p>20 A: I recall, yes, I did.</p> <p>21 Q: At some point did you find out that Dr. Irani had been</p> <p>22 denied medical licensure in California?</p> <p>23 A: Yes. He would have told me at some point.</p> <p>24 Q: Did Dr. Irani request that you provide some type of</p> <p>25 either affidavit or letter of support in connection</p>	<p>1 that. Anything in your interactions with Dr. Irani</p> <p>2 during residency that indicated he was unprofessional</p> <p>3 in any manner?</p> <p>4 A: He's a very likable guy. I think different people have</p> <p>5 different styles. And he may come across to some as</p> <p>6 being a little bit more laid back. I don't know if I</p> <p>7 would take it to the extent of calling him</p> <p>8 unprofessional.</p> <p>9 Q: When you say laid back, was Dr. Irani ever</p> <p>10 confrontational to you or to anyone in your</p> <p>11 observation?</p> <p>12 A: Confrontational, no. I did find it unusual that he</p> <p>13 would transcribe a conversation going back to the</p> <p>14 Dr. Abell case. I found it unusual that he would</p> <p>15 transcribe a case, or a recording of a conversation</p> <p>16 between him and a resident. But I guess being that he</p> <p>17 was my friend I felt like maybe he was, back was</p> <p>18 against the wall and was trying to protect himself.</p> <p>19 But I did find that unusual.</p> <p>20 Q: Between the, or after the meals either at The Rusty</p> <p>21 Anchor or The Original Pancake House, did you at some</p> <p>22 point stop communicating with Dr. Irani?</p> <p>23 A: I think as I realized that this was moving towards a</p> <p>24 legal proceedings, I felt that it was more high risk.</p> <p>25 So I was not always comfortable with the conversations.</p>
Page 90	Page 92
<p>1 with his California medical licensure?</p> <p>2 A: Can you restate that?</p> <p>3 Q: Yeah. At some point did Dr. Irani request that you</p> <p>4 submit or sign or write a letter of recommendation or</p> <p>5 an affidavit in support of his California medical</p> <p>6 licensure?</p> <p>7 A: What I can recall is Afraaz kept asking me if I would,</p> <p>8 you know, support him in moving on to the next step.</p> <p>9 And I always indicated that I would be willing to help</p> <p>10 him move on to the next stage. I specifically remember</p> <p>11 at one point offering to write a letter. And with all</p> <p>12 due respect the response was always kind of vague. And</p> <p>13 so I had a feeling it was probably going to be</p> <p>14 something more along these lines. But I did offer to</p> <p>15 write him a letter, yes, in support of him moving on.</p> <p>16 Q: Would your letter have supported his application for</p> <p>17 licensure in California?</p> <p>18 A: Yes.</p> <p>19 Q: Was there anything in your dealings or observations or</p> <p>20 interactions with Dr. Irani that would have led you to</p> <p>21 believe that Dr. Irani was incompetent to practice</p> <p>22 medicine in the state of California?</p> <p>23 A: In my specific interactions I didn't feel like he was</p> <p>24 incompetent, no.</p> <p>25 Q: Did Dr. Irani ever indicate -- or before we move on to</p>	<p>1 Q: Okay. What do you mean high risk?</p> <p>2 A: I would consider anything that involves legal</p> <p>3 proceedings high risk.</p> <p>4 Q: High risk for whom?</p> <p>5 A: Everyone.</p> <p>6 Q: Did you believe that you were at risk if you supported</p> <p>7 Dr. Eady, I mean, Dr. Irani in this case?</p> <p>8 A: I think there's a huge conflict of interest in this</p> <p>9 whole situation. So it's very difficult for everyone</p> <p>10 involved. But the fact that I'm still working at the</p> <p>11 hospital is very awkward.</p> <p>12 Q: Did anyone ever instruct you not to have any further</p> <p>13 communication with Dr. Irani?</p> <p>14 A: No.</p> <p>15 Q: Did you fear that you would be retaliated against if</p> <p>16 you supported Dr. Irani's side of the case?</p> <p>17 A: Can you rephrase that?</p> <p>18 Q: Yeah. Did you feel that you would be retaliated</p> <p>19 against if you supported Dr. Irani's side of the case?</p> <p>20 A: Not specifically. I would certainly think that would</p> <p>21 be a concern that I would have especially since I'm</p> <p>22 still employed at the hospital. But I don't have any</p> <p>23 specific reason for that.</p> <p>24 Q: Okay. Besides the hospital were you concerned about</p> <p>25 anyone else retaliating against you if you took Dr.</p>

Page 93	Page 95
<p>1 Irani's side of the case or supported Dr. Irani's side 2 of the case?</p> <p>3 MS. HELMS: Object to the form of the question. 4 MS. THOMAS: Object to the form.</p> <p>5 A: Can you rephrase that?</p> <p>6 BY MR. ROTHSTEIN:</p> <p>7 Q: Yeah. Besides the Palmetto Health Hospital System were 8 you concerned about any other person potentially 9 retaliating against you or your career if you supported 10 Dr. Irani's side of his case?</p> <p>11 MS. HELMS: Object to the form of the question. 12 MS. THOMAS: Objection.</p> <p>13 A: I think the fact that I'm still, was and still am 14 employed at the hospital there is a hierarchy at the 15 hospital as in any organization. And as a junior 16 member of an organization I think anyone would be 17 concerned about that.</p> <p>18 BY MR. ROTHSTEIN:</p> <p>19 Q: Okay. And I'm asking aside from the hospital aspect of 20 it, what about the Orthopedics Department specifically? 21 Were you concerned that anyone from the USC Orthopedics 22 Department would retaliate against you if you supported 23 Dr. Irani's side of this case?</p> <p>24 MS. THOMAS: Object to the form. 25 A: Again, I can only restate the same thing I already</p>	<p>1 Q: Yes.</p> <p>2 A: The orthopedic attendings would be Dr. Guy and 3 Dr. Mazoue. The, there are several non-operative, 4 Dr. Pollack, Dr. Jenkinson, who I don't know if he 5 wasn't, I'm not sure he was there at the time. 6 Dr. Keesler. Several. But it's different departments.</p> <p>7 Q: Okay. But it would include Dr. Guy and Mazoue who are 8 also in the same department as Dr. Koon and Dr. Walsh; 9 is that right?</p> <p>10 A: Yes.</p> <p>11 Q: Okay. Did Dr. Koon ever have a conversation with you 12 in which he indicated that he would never talk to Dr. 13 Irani about cars?</p> <p>14 A: Can you rephrase that?</p> <p>15 Q: Yeah. Did Dr. Koon ever have a conversation with you 16 in which he said that he would never talk to Dr. Irani 17 about cars?</p> <p>18 A: Cars? Like automobiles?</p> <p>19 Q: Cars. Automobiles.</p> <p>20 A: No. I don't remember that.</p> <p>21 Q: Can you tell me why you left the Orthopedic Residency 22 Program at the University of South Carolina School of 23 Medicine?</p> <p>24 A: I did not want to be a surgeon.</p> <p>25 Q: When did you make that determination that you did not</p>
Page 94	Page 96
<p>1 said. So I as a junior member of any organization 2 would be concerned about that.</p> <p>3 BY MR. ROTHSTEIN:</p> <p>4 Q: Okay. Did Dr. Irani ever indicate to you that he had 5 an interest in pursuing a spine fellowship after 6 Orthopedic Surgery Residency?</p> <p>7 A: That sounds familiar. Yes. That he may have been 8 interested in that.</p> <p>9 Q: Did you ever indicate to him that you had an interest 10 in also pursuing a fellowship in some sub-specialty of 11 orthopedics at some point?</p> <p>12 A: I remember being interested in sport medicine, 13 orthopedic sports medicine fellowships. I'm sure I 14 would have told him that at some point but I don't 15 recall a specific conversation.</p> <p>16 Q: And I think you indicated earlier still interested in 17 non-surgical sports medicine at this point in family 18 practice; is that right?</p> <p>19 A: Yes.</p> <p>20 Q: What attendings are involved, would be involved in a 21 fellowship at the University of South Carolina School 22 of Medicine in non-surgical orthopedic sports medicine?</p> <p>23 MS. THOMAS: Object to the form.</p> <p>24 A: Which attendings would be involved?</p> <p>25 BY MR. ROTHSTEIN:</p>	<p>1 want to be a surgeon?</p> <p>2 A: I think that was an ongoing thing throughout my 3 residency. I did not enjoy taking call. I did not 4 enjoy being in the operating room like I used to be. 5 And I still had a love for musculoskeletal. I 6 consulted with a lot of people I trust and respect and 7 came to the determination that I could live without the 8 operating room and still pursue something I love. Also 9 be at home with my children more, and my wife.</p> <p>10 Q: When did you make that career decision that you did not 11 want to be an orthopedic surgeon any more?</p> <p>12 A: Officially I remember it was around Thanksgiving of my, 13 I guess it would have been my third year.</p> <p>14 Q: So when you finished your rotation with Dr. Eady in the 15 fall and into the winter of your PGY 2 year, you still 16 wanted to be an orthopedic surgeon; is that correct?</p> <p>17 MS. THOMAS: Object to the form.</p> <p>18 A: Again, it was an ongoing thing. I think any time 19 anyone works that hard to get to something that you 20 probably deny it a little bit yourself. So I don't 21 remember specifically when I started thinking about it. 22 But I just remember not being myself and not enjoying 23 it as much.</p> <p>24 BY MR. ROTHSTEIN:</p> <p>25 Q: After Dr. Irani was terminated did your workload in the</p>

Page 97	Page 99
<p>1 residency department increase?</p> <p>2 A: Any time anyone leaves an organization there's going to</p> <p>3 be more work for everyone. Yes.</p> <p>4 Q: Did you ever violate the duty hours restrictions during</p> <p>5 your residency at the Orthopedic Surgery Program at USC</p> <p>6 Palmetto Health?</p> <p>7 A: I don't recall. I would have to look at my log duty</p> <p>8 hours.</p> <p>9 Q: Did you ever assist in the operating room the morning</p> <p>10 immediately after call during your participation in the</p> <p>11 USC Palmetto Health Orthopedic Surgery Residency</p> <p>12 Program?</p> <p>13 A: Post-call?</p> <p>14 Q: Yes.</p> <p>15 A: Yes.</p> <p>16 Q: Would that have been a violation of the duty hour</p> <p>17 restrictions as you understand them?</p> <p>18 A: Not necessarily.</p> <p>19 Q: Is it possible that that would have been a violation of</p> <p>20 duty hour restrictions as you understand them?</p> <p>21 A: It would have depended how late the case went how late</p> <p>22 I was there. There were several times where you could</p> <p>23 still go to the operating room the morning of and they</p> <p>24 had worked it out such that you could still do the case</p> <p>25 that you had worked up, worked hard the night before to</p>	<p>1 Q: Have you ever logged inaccurate duty hours?</p> <p>2 A: No.</p> <p>3 Q: Has anyone in the residency program ever told you,</p> <p>4 quote, make it work with regard to your duty hour</p> <p>5 reporting?</p> <p>6 A: Not that I recall.</p> <p>7 Q: Did you ever witness any of your fellow residents</p> <p>8 violate the duty hour restrictions?</p> <p>9 A: I wasn't interested in what other people's duty hours</p> <p>10 were. I don't think anyone really cared that much</p> <p>11 about it. So, you know, you were there to learn and do</p> <p>12 cases. So I don't, I couldn't comment on other</p> <p>13 people's duty hours.</p> <p>14 Q: How much credit did you receive for your medical</p> <p>15 training when you transferred into the Family Medicine</p> <p>16 Residency Program?</p> <p>17 A: How much credit? I mean, I guess I'll graduate, they</p> <p>18 credited specific rotations. I'm going to graduate a</p> <p>19 couple months early. I don't, I don't have an exact</p> <p>20 number.</p> <p>21 Q: When you started family medicine, the Family Medicine</p> <p>22 Residency Program did you come in as a PGY 2 or a PGY</p> <p>23 1?</p> <p>24 A: Kind of a hybrid I guess. PGY 1, 2. I advanced, you</p> <p>25 know, sooner than others might. The only reason I know</p>
Page 98	Page 100
<p>1 get ready and then participate in the case and still go</p> <p>2 on. But if I recall it was by noon or something. It</p> <p>3 worked out. They had worked it out so that you could</p> <p>4 still be present for at least one case and not violate.</p> <p>5 But I would have to look at my specific duty hours.</p> <p>6 Q: Okay. Are you aware of a continuity of care exception</p> <p>7 to the requirement that you not work more than 24 hours</p> <p>8 in a row?</p> <p>9 A: Can you rephrase that?</p> <p>10 Q: Yeah. Are you aware of the continuity of care</p> <p>11 exception to the duty hour restriction that you're not</p> <p>12 supposed to work more than 24 hours in a row of duty?</p> <p>13 A: I don't know if this is what you are referring to. I</p> <p>14 know that if there was like an emergency or something</p> <p>15 with a critically ill patient you could stay longer to</p> <p>16 ensure continuity of care if that's what you're</p> <p>17 referring to. I'm not sure. But that is something</p> <p>18 that exists as I'm aware of it.</p> <p>19 Q: Is it possible that you violated duty hour restrictions</p> <p>20 during your orthopedic residency?</p> <p>21 A: I'm not going to speculate. I would have to look at my</p> <p>22 duty hour log.</p> <p>23 Q: Okay. Did you ever report any duty hour violations on</p> <p>24 your duty hour log?</p> <p>25 A: I would have to look at my log.</p>	<p>1 that is when I log in to New Innovations towards the</p> <p>2 end of the year it will say I'm the next level. But, I</p> <p>3 mean, I was still technically a PGY 1, I guess.</p> <p>4 Q: And what time of the year did you actually stop working</p> <p>5 as a PGY 3 in the Orthopedic Surgery Residency Program</p> <p>6 in 2012 or 2013?</p> <p>7 A: When did I stop working as an orthopedic resident?</p> <p>8 Q: Yes.</p> <p>9 A: I continued until the end of third year because I</p> <p>10 wasn't going to start until July 1st in Family</p> <p>11 Medicine. So I think I took a week off in between. So</p> <p>12 sometime at the end of June. And then I would have</p> <p>13 started in July with Family Medicine.</p> <p>14 Q: Okay.</p> <p>15 (Plaintiff's Exhibit Number 5 was marked for identification</p> <p>16 purposes.)</p> <p>17 Q: Show you Exhibit 5. Do you recognize Exhibit 5 or at</p> <p>18 least the first part of Exhibit 5?</p> <p>19 A: Yes.</p> <p>20 Q: Okay. Do you recall receiving an e-mail from Dr. Koon</p> <p>21 on or about February 6, 2013 about your informing</p> <p>22 Dr. Koon and Dr. Walsh that you desired to discontinue</p> <p>23 your orthopedic training?</p> <p>24 A: I don't remember the specific e-mail. I do remember</p> <p>25 that he told me that he had to officially send me</p>